

EXHIBIT B

From: [remy green](#)
To: [NYC Law Protest Team](#)
Cc: [AG-NYPDLitigation](#); [Gray Legal Team-External](#); [Payne Litigation Team](#); [Wood](#); [Sierra Team](#); [Sow-Legal](#); [rolonlegalteam](#).
Subject: [EXTERNAL] Re: In re: New York City Policing During Summer 2020 Demonstrations - Samples of Withheld Documents (per Dkt. No. 718)
Date: Monday, November 21, 2022 12:53:15 PM
Attachments: [2022-11-21 - Proposed Order.docx](#)

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Dear all,

Having heard no objections, we assume this is an acceptable deadline for the already agreed commitment, and have prepared the attached proposed consent order under Dkt. No. 490.

Additionally, in preparing to meet and confer on the broader issue this process is intended to address, we have listed below a number of documents (we can send them too, if that's easier -- please just let us know).^{*} We would appreciate if Defendants responded with (1) whether they are still asserting the documents are "non-responsive" or "non-relevant" and (2) if not, explaining how these documents came to be marked non-responsive (including whether the specific document was subject to quality control).

If Defendants are willing to provide that information, we have no issue waiting a month or so to receive it (e.g., to December 16, or another date you propose) -- since it will be most relevant once we review the samples and have scheduled the appropriate follow up meet and confer. But with that said, we need to know if the City is objecting to providing this information in very short order. We would ask that you let us know by close of business on November 25. And if the City is not willing to provide this information, by the same time, please provide two or three proposed times to meet and confer early next week (or let us know if you will be ready to fold it into the existing meeting this week).

Yours,

Remy.

^{*}Please note that Bates numbers are not indicating that page is the entire document, these are just the first pages (and therefore the control number).

Documents:

DEF_E_PD_000131831;
DEF_E_PD_000122664;
DEF_E_PD_000130174;
DEF_E_PD000122220
DEF_E_PD_000122197;
DEF_E_PD_000122201;
DEF_E_PD_000122205;
DEF_E_PD_000122209;
DEF_E_PD_000122213;
DEF_E_PD_000130575;
DEF_E_000055797
DEF_E_PD_000121769;
DEF_E_PD_000121580
DEF_000518366;
DEF_E_PD_000127889;
DEF_E_000057519;
DEF_E_000132831;
DEF_E_PD000131017;
DEF_E_PD_000121789;
DEF_E_PD_000121903
DEF_E_PD_000122160
DEF_E_PD_000122457;
DEF_E_PD_000124934;
DEF_E_PD_000126320;
DEF_E_PD_000129918;
DEF_E_PD_000130722;
DEF_E_PD_000130851;
DEF_E_PD_000136288;
DEF-E_000057786

J. Remy Green

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On Thu, Nov 10, 2022 at 5:29 PM remy green <remy@femmelaw.com> wrote:

Dear all,

As agreed, Defendants will be producing four samples of documents previously considered non-responsive by the City “at a date to be determined after the stay has lifted.” Dkt. No. 718 ¶ 4a (email referenced therein attached here for convenience).

Given the bigger picture implications here, Plaintiffs believe it would be prejudicial to wait more than two weeks after the stay expires. Please confirm that Defendants will produce the 95/5 samples for each of the four categories previously discussed by December 2, and the associated privilege logs by no later than two weeks following that, or December 16.

If Defendants do not agree, please provide dates you are available to meet and confer, during the week of November 21, on that timing.

Yours,

Remy.

J. Remy Green

Partner

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re New York City Policing During Summer
2020 Demonstrations

This document relates to all cases

1:20-cv-08924 (CM) (GG)

[PROPOSED] ORDER

IT IS HEREBY ORDERED, in relation to the *Sow* discovery requests dated November 15, 2021:

1. By December 2, 2022, Defendants will provide a statistically valid, 95/5 sample of documents in the following categories (as also set out in Dkt. No. 718 ¶ 4(a)):
 - Documents in the Office of the Mayor email review set that Defendants affirmatively marked “non-responsive” or otherwise withheld on a relevance or responsiveness basis;
 - Documents in the Office of the Mayor email review set that Defendants did not review because their technology-assisted review protocol ended review before reaching those documents;
 - Documents in the NYPD email review Defendants affirmatively marked “non-responsive” or otherwise withheld on a relevance or responsiveness basis; and
 - Documents in the NYPD email review set that Defendants did not review because their technology-assisted review protocol ended review before reaching those documents.

SO ORDERED:

Hon. Gabriel W. Gorenstein
United States Magistrate Judge